

**U.S. Department of Justice**



*United States Attorney  
Southern District of New York*

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86 Chambers Street  
New York, New York 10007  
October 17, 2022

**BY ECF**

The Honorable Lorna G. Schofield  
United States District Judge  
Thurgood Marshall United States Courthouse  
40 Foley Square  
New York, NY 10007

Re: *Pro Publica, Inc. v. U.S. Dept. of Health & Human Servs.*, 20 Civ. 4092 (LGS)

Dear Judge Schofield:

I write respectfully on behalf of both parties in the above-referenced FOIA matter to request that the Court extend its August 24, 2022, Order (Dkt. No. 50) staying its September 11, 2020, Order regarding document processing, for a period of forty-five days, from October 17, 2022, to December 1, 2022, to permit the parties to continue to explore settlement.

On September 11, 2020, the Court ordered defendant the United States Department of Health & Human Services (“HHS”) to “process and produce responsive non-exempt documents at a rate of at least 1,000 pages per month.” Dkt. No. 24. Accordingly, HHS has been processing and producing such documents each month and has completed twenty-four productions. Thereafter, the parties began conferring about ways to potentially resolve this matter without further Court intervention, and on August 24, 2022, the Court granted the parties’ joint application to stay production. (Dkt. No. 50.) The parties have been diligently pursuing settlement discussions since that date. In order to permit the parties time to continue to explore and finalize potential settlement parameters, and to conserve party and Court resources, the parties respectfully request that the Court’s August 24, 2022, Order be extended for a period of forty-five days, to December 1, 2022, on which date the parties will provide a status update.

We thank the Court for its consideration of this request.

Application GRANTED. Production shall remain STAYED, and HHS will resume production at the prior pace of at least 1,000 pages per month in January 2023. The parties shall file a joint status letter on December 1, 2023.

Dated: October 18, 2022  
New York, New York

Respectfully,

DAMIAN WILLIAMS  
United States Attorney

By: /s/ Ellen Blain  
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LORNA G. SCHOFIELD  
UNITED STATES DISTRICT JUDGE

cc: Paul Safier, Esq.

*Counsel for Plaintiff*